IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 24470 of 2004

Between:

Smt. T.Tulasi Bai W/o Ramaiah
R/o Chinnaraspally village Dahegoon Mandal Adilabad

District.

... PETITIONER

AND

1 The Collector (Panchayati Wing) Adilabad District.
2 The Divisional Panchayath Officer Asifabad, Adilabad District
3 ThePanchayath Secretary, Grampanchayath,
Chinnaraspally of Dahegon Mandal, Adilabad District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ order or direction declaring the action of the respondent No.1 suspending the petitioner from the post of Sarpanch through order in Proc.No.89/K4.pts/02 dt. 16/11/2004 as arbitrary, illegal, null and void and politically motivated and also violative of the provision of the AP.Panchayath Raj act and also violative of the Art. 14, 19 and 21 of the Constitution of India.

Counsel for the Petitioner: MR.K.VENUMADHAV

Counsel for the Respondents 1 and 2: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the first respondent in suspending the petitioner from the post of Sarpanch through order in Proc.No.89/K4.Pts/02 dated
16-11-2004 as arbitrary and illegal.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development on behalf of the respondents and with their consent, the writ petition is being disposed of at the admission stage.

3. As against the impugned order passed by the first respondent – Collector (Panchayat Wing), Adilabad, suspending the petitioner from the post of Sarpanch, Gram Panchayat, Chinnaraspeelly of Dahegaon Mandal, it is submitted by the learned Government Pleader for Panchayat Raj and admitted to by the learned counsel for the petitioner that there is an effective alternative remedy of revision available to the petitioner before the Government and without approaching the Government, petitioner has approached this Court.

4. Inasmuch alternative remedy by way of revision is available to the petitioner against the impugned order; I deem it appropriate to dispose of the writ petition with the following direction.

5. The petitioner may avail the remedy of revision available to her against the impugned order passed by the first respondent –Collector before the Government, along with an application for stay within a period of six weeks from today. On filing of such revision together with application for stay, the Government is directed to consider and pass appropriate orders thereon either on the revision or on the application for stay, expeditiously.

The writ petition is accordingly disposed of at the admission Stage.

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N. V. RAMANA, J

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December 29, 2004

MRR / SVV

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1 The Collector (Panchayati Wing) Adilabad District.
2 The Divisional Panchayath Officer Asifabad, Adilabad District
3 ThePanchayath Secretary, Grampanchayath,
Chinnaraspally of Dahegon Mandal, Adilabad District.

4 Two C.C. s to the G.P. for Panchayat Raj & Rural Development,

High Court Buildings, Hyderabad (OUT)

5 Two C.D. Copies.